



## Council Communication

**TO:** HONORABLE MAYOR AND COUNCILMEMBERS

**FROM:** SUSAN D. GOODWIN, CURTIS, GOODWIN, SULLIVAN, UDALL & SCHWAB, PLC, SPECIAL COUNSEL

**THROUGH:** PATRICK BANGER, TOWN MANAGER

**MEETING DATE:** AUGUST 1, 2013

**SUBJECT:** MUNICIPAL CODE UPDATE - CHAPTER 42 – DEADLY WEAPONS IN PUBLIC BUILDINGS

**STRATEGIC INITIATIVE:** High Performing Government

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**LEGAL REVIEW**

☒ Complete

☐ N/A

**FINANCIAL REVIEW**

☒ Complete

☐ N/A

### RECOMMENDED MOTION

**A MOTION TO ADOPT OPTION 1, AN ORDINANCE TO AMEND SECTION 42-114 OF THE MUNICIPAL CODE TO REQUIRE THAT ANY PERSON CARRYING A DEADLY WEAPON INTO A TOWN BUILDING REMOVE THE WEAPON AND PLACE IT IN A LOCKER PROVIDED FOR THAT PURPOSE.**

### BACKGROUND/DISCUSSION

At its June 6, 2013 council meeting, a proposed ordinance was considered by the Council to update Chapter 42, primarily related to weapons in public buildings. Specifically, the ordinance would have conformed Municipal Code Section 42-114 Carrying Weapons in Town Buildings to ARS Section 13-3102.

Weapons are currently prohibited in town buildings. The proposed ordinance would have amended Section 42-114 to require any person carrying a deadly weapon into a town building to remove the weapon and place it in a storage locker. Signs would be posted at the building stating that the

possession of weapons inside the building is prohibited if there is a readily accessible locker at the building. ARS Section 13-3102 provides in part that a person commits misconduct involving weapons by knowingly:

10. Unless specifically authorized by law, entering any public establishment or attending any public event and carrying a deadly weapon on his person after a reasonable request by the operator of the establishment or the sponsor of the event or the sponsor's agent to remove his weapon and place it in the custody of the operator of the establishment or the sponsor of the event for temporary and secure storage of the weapon pursuant to section 13-3102.01.

ARS Section 13-3102.01 provides that the temporary storage must be "readily accessible."

At the June 6 Council meeting, Councilmember Petersen requested information regarding the cost to install and operate security measures at all town buildings. He also asked that three options be prepared for ordinances amending Section 42-114.

Staff has identified estimated costs for installing and operating security measures at town buildings. The buildings identified are: (i) Public Safety Building – police access, (ii) Public Safety Building – fire access, (iii) Municipal Building I, (iv) Municipal Building II, (v) Freestone Recreation Center, (vi) Gilbert Community Center, (vii) McQueen Park Activity Center, (viii) Southeast Regional Library, (ix) Public Works Administration – main entrance, and (x) South Area Service Center,

Staff identified needed security measures as:

Ten walk-through metal detectors	\$35,750
Fourteen security officers	\$734,897 (fully-loaded salary costs)
Ten baggage detectors	\$195,500
Ten hand-held detectors	\$1,120
Total	\$967,267

Three optional ordinances were prepared.

Option 1	Same as the ordinance presented at the June 6 meeting
Option 2	If there are metal detectors, deadly weapons must be placed in locker
Option 3	Repeal Section 42-114

The Ordinances were reviewed for form by Susan D. Goodwin, Curtis, Goodwin, Sullivan, Udall, and Schwab, PLC, Special Counsel.

### **FINANCIAL IMPACT**

Today's costs for installing the security measures would be approximately \$967,267. Of that, \$734,897 would be an annual cost for salaries (plus any approved increases). Cost of uniforms and weapons for security officers and repair and maintenance of metal detectors equipment would be extra.

**STAFF RECOMMENDATION**

Adopt Option 1, an ordinance amending Municipal Code Section 42-114 to require persons to place deadly weapons in storage lockers that are readily accessible.

Respectfully submitted,

Susan D. Goodwin  
Curtis, Goodwin, Sullivan, Udall, and Schwab, PLC  
Special Counsel

Attachments and Enclosures: Three Ordinance Options

OPTION 1 (WITH GUN LOCKERS)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE CODE OF GILBERT, ARIZONA, CHAPTER 42 OFFENSES AND ABATEMENT OF PUBLIC NUISANCES, ARTICLE IV OFFENSES INVOLVING PUBLIC SAFETY, BY AMENDING SECTION 42-114 CARRYING WEAPONS IN TOWN BUILDINGS RELATED TO CARRYING AND STORING DEADLY WEAPONS IN TOWN BUILDINGS; AMENDING ARTICLE V OFFENSES INVOLVING PUBLIC MORALS, BY REPEALING SECTION 42-142 PUBLIC PLACES OF ENTERTAINMENT RELATED TO CERTAIN PUBLIC PLACES OF ENTERTAINMENT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

Section I. In General.

The Code of Gilbert, Arizona, Chapter 42 Offenses and Abatement of Public Nuisances, Article IV Offenses Involving Public Safety, Section 42-114 Carrying weapons in town buildings is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**Sec. 42-114. Carrying DEADLY weapons in town buildings,;  
STORAGE OF DEADLY WEAPONS.**

(a) Except as provided in subsection (b) of this section, ~~it shall be unlawful for any person to enter any building, adjacent premises or wellsites owned by, leased by or occupied by the town carrying a weapon~~ ANY PERSON CARRYING A DEADLY WEAPON INTO A TOWN BUILDING SHALL REMOVE THE WEAPON AND PLACE IT IN THE TEMPORARY AND SECURE STORAGE PROVIDED FOR SUCH STORAGE. As used in this section, the word "DEADLY weapon" means ANYTHING DESIGNED FOR LETHAL USE, INCLUDING any firearm, ammunition, fire bomb, dagger, or other knife except a pocket knife not manufactured for use for the purpose of offense and defense.

\* \* \*

(d) The manager shall cause to be posted at the entrance of each building owned, leased or occupied by the town a notice that the possession of weapons inside the building IS PROHIBITED IF THERE IS

Ordinance No. \_\_\_\_\_

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A READILY ACCESSIBLE LOCKER AT THE BUILDING ~~on adjacent premises and at wellsites is prohibited.~~

The Code of Gilbert, Arizona, Chapter 42 Offenses and Abatement of Public Nuisances, Article V Offenses Involving Public Morals, is hereby amended by repealing Section 42-142 Public places of entertainment.

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section IV. Providing for Penalties.

Any person found guilty of violating any provision of this Ordinance shall be guilty of a Class One misdemeanor, and upon conviction thereof shall be punishable by a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500) or by imprisonment for a period not to exceed six (6) months, or both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as herein described.

PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this \_\_\_\_ day of \_\_\_\_\_, 201\_, by the following vote:

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_ ABSENT: \_\_\_\_\_

EXCUSED: \_\_\_\_\_ ABSTAINED: \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Page \_\_\_\_ of \_\_\_\_

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
John W. Lewis, Mayor

ATTEST:

\_\_\_\_\_  
Catherine A. Templeton, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.

Town Attorneys

By Susan D. Goodwin

I, CATHERINE A. TEMPLETON, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE  
AND CORRECT COPY OF THE ORDINANCE NO. \_\_\_\_\_ ADOPTED BY THE  
COMMON COUNCIL OF THE TOWN OF GILBERT ON THE \_\_\_\_ DAY OF  
\_\_\_\_\_, 201\_\_, WAS POSTED IN THREE PLACES ON THE \_\_\_\_ DAY OF  
\_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
Catherine A. Templeton, Town Clerk

**OPTION 2 (WITH METAL DETECTORS)**

**ORDINANCE NO. \_\_\_\_\_**

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**Sec. 42-114.    Carrying DEADLY weapons in town buildings;  
METAL DETECTORS; STORAGE OF DEADLY WEAPONS.**

(a)      Except as provided in subsection (b) of this section, it shall be unlawful for any person to enter any building, ~~adjacent premises or well sites owned by, leased by or~~ occupied by the town carrying a DEADLY weapon IF THERE ARE METAL DETECTORS AT THE PUBLIC ENTRANCE TO THE BUILDING. IN THAT CASE, PERSONS CARRYING DEADLY WEAPONS SHALL REMOVE THE WEAPON AND PLACE IT IN THE TEMPORARY AND SECURE STORAGE PROVIDED FOR SUCH STORAGE. As used in this section, the word "DEADLY weapon" means ANYTHING DESIGNED FOR LETHAL USE, INCLUDING any firearm, ammunition, fire bomb, dagger, or other knife except a pocket knife not manufactured for use for the purpose of offense and defense.

\* \* \*

(d) The manager shall cause to be posted at the entrance of each building owned, leased or occupied by the town a notice that the possession of weapons inside the building IS PROHIBITED IF THERE IS A READILY ACCESSIBLE LOCKER AT THE BUILDING ~~on adjacent premises and at well sites is prohibited.~~

The Code of Gilbert, Arizona, Chapter 42 Offenses and Abatement of Public Nuisances, Article V Offenses Involving Public Morals, is hereby amended by repealing Section 42-142 Public places of entertainment.

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Catherine A. Templeton, Town Clerk

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Town Attorneys  
By Susan D. Goodwin

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OPTION 3 (REPEAL SECTION 42-114)

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